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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,819	01/26/2004	Oliver Hurst-Hiller	MSFT121739	2484

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EXAMINER
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LEE, WILSON

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/765,819

Applicant(s)

HURST-HILLER ET AL.

Examiner

Wilson Lee

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 10-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 10-19 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/06/04, 10/27/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **Remarks**

Applicant elects Group I of Claims 1-9, 20-26 without traverse.

### **Claim Rejections – 35 U.S.C. 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20-26 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. The claimed medium must include the essential function "being executable in a computer" in order to make it operable.

### **Claim Rejections – 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 20-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kincaid et al. (US 2002/0169764).

Regarding 1, Kincaid discloses a method for facilitating a search for content from disparate resources, the method comprising:

- displaying a unified search entry interface in response to a request to search for content (Figures 2, 3, 6, 8, paragraphs 0014, 0053, 0060);
- determining at least one relevant resource from a plurality of disparate resources in which to search for occurrences of a search term entered in the unified search entry interface (See paragraphs 0005, 0010, 0017-0019, 0064-0067 and abstract);
- normalizing the relevant disparate resource (See paragraph 0064, 66, 79); and
- blending disparate results (combined results) obtained from searching for occurrences of the search term in the normalized relevant disparate resources (See paragraph 0059).

Regarding Claim 2, Kincaid discloses that normalizing the relevant disparate resource comprises:

- determining a relative importance of the search term occurring in one location in a first disparate resource versus the search term occurring in another location in a second disparate resource (See paragraphs 0016, 0019, 0060, 0063-0067, Figure 3); and
- weighing the occurrence of the search term in the resource in accordance with the relative importance (See paragraphs 0064, 0066, 0083).

Regarding Claim 3, Kincaid discloses that blending the disparate results includes ranking the results by the weight of the occurrence of the search term, displaying the

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ranked results by a category associated with the resource, and displaying the locations in which the search terms occurred in comparable positions within each category. (See 0016, 0019, 0060-0067, 0086, 0088)

Regarding Claim 4, Kincaid discloses that the method further comprising:

- capturing a context of the search request (See paragraphs 0045, 0057);  
and
- wherein determining at least one relevant resource (ranking relevancy) is based on the context of the search request (See Abstract, paragraphs 0005-0010).

Regarding Claim 5, Kincaid discloses that obtaining an automated measurement of relevance for each of the plurality of disparate resources; wherein determining the at least one relevant resource is based on the automated measurement of relevance. (See paragraphs 0005-0010, 0013-0017).

Regarding Claim 6, Kincaid discloses that the automated measurement of relevance is a metric that quantifies a user interaction with the resource. (See paragraphs 0005-0010, 0013-0017).

Regarding Claim 7, Kincaid discloses that the quantified user interaction includes at least one of a frequency with which a user accesses the resource, a length of time that the user accesses the resource, and a significance of an action that the user performs on the resource (See paragraphs 0015, 0019, 0064, 0083, 0089-0091).

Regarding Claim 8, Kincaid discloses the method further comprising:

- obtaining a user preference indicating a preferred resource in which to search (See paragraph 0060, Claims 33, 50);
- wherein determining the at least one relevant resource is based on the preferred resource as indicated in the user preference (See paragraph 0060).

Regarding Claim 9, Kincaid discloses the method further comprising:

- building an index for the disparate resources (See paragraphs 0004-0009, 0052); and
- searching the index associated with the relevant resource when searching for occurrences of the search term (See paragraphs 0004-0009, 0051, 0052, 0054).

Regarding Claim 20, Kincaid discloses a computer-accessible medium having instructions for conducting a unified search for electronic content, the instructions comprising:

- displaying a unified search entry interface in response to a request to search for content (Figures 2, 3, 6, 8, paragraphs 0014, 0053, 0060);
- determining at least one relevant resource from a plurality of disparate resources in which to search for occurrences of a Search term entered in the unified search entry interface (See paragraphs 0005, 0010, 0017-0019, 0064-0067 and abstract);
- normalizing the relevant disparate resource (See paragraph 0064, 66, 79); and

- blending disparate results obtained from searching for occurrences of the search term in the normalized relevant disparate resources (See paragraph 0059).

Regarding Claim 21, Kincaid discloses that the instruction to normalize the relevant disparate resource comprises:

- determining a relative importance of the search term occurring in one location in a first disparate resource versus the search term occurring in another location in a second disparate resource (See paragraphs 0016, 0019, 0060, 0063-0067, Figure 3); and
- weighing the occurrence of the search term in the resource in accordance with the relative importance (See paragraphs 0064, 0066, 0083).

Regarding Claim 22, Kincaid discloses that the instruction to blend the disparate results includes instructions to rank the results by the weight of the occurrence of the search term, display the ranked results by a category associated with the resource, and display the locations in which the search terms occurred in comparable positions within each category (See 0016, 0019, 0060-0067, 0086, 0088).

Regarding Claim 23, Kincaid discloses that the instructions further comprise:

- capturing a context of the search request (See paragraphs 0045, 0057);  
and
- determining the at least one relevant resource based on the context of the search request. (See Abstract, paragraphs 0005-0010).

Regarding Claim 24, Kincaid discloses that the instructions further comprise obtaining an automated measurement of relevance for each of the plurality of disparate resources; and determining the at least one relevant resource based on the automated measurement of relevance. (See paragraphs 0005-0010, 0013-0017).

Regarding Claim 25, Kincaid discloses that the automated measurement of relevance is a number that represents a user interaction with the resource, wherein the user interaction includes at least one of a frequency with which a user accesses the resource, a length of time that time user accessed the resource, and a significance of an action that the user performed on the resource, and the resource is more relevant to the search when the automated relevance number is high, and less relevant when the automated relevance number is low (See paragraphs 0004-0009, 0051, 0052, 0054).

Regarding Claim 26, Kincaid discloses that the instructions further comprise:

- obtaining a user preference indicating a preferred resource in which to search (See paragraph 0060, Claims 33, 50); and
- determining the at least one relevant resource based on the preferred resource, as indicated in the user preference (See paragraph 0060).

Claims 1-9, 20-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Li et al. (US 2004/0177069).

Regarding 1, Li discloses a method for facilitating a search for content from disparate resources, the method comprising:

- displaying a unified search entry interface in response to a request to search for content (Abstract, paragraphs 0021, 0023, 0066);



- determining at least one relevant resource from a plurality of disparate resources in which to search for occurrences of a search term entered in the unified search entry interface (See paragraphs 0025-028 and Figure 7);
- normalizing the relevant disparate resource (See paragraph 0023); and
- blending disparate results obtained from searching for occurrences of the search term in the normalized relevant disparate resources (See Abstract).

Regarding Claim 2, Li discloses that normalizing the relevant disparate resource comprises:

- determining a relative importance of the search term occurring in one location in a first disparate resource (text) versus the search term occurring in another location in a second disparate resource (CBIR) (See paragraphs 0021, 0061); and
- weighing the occurrence of the search term in the resource in accordance with the relative importance (See paragraph 0023).

Regarding Claim 3, Li discloses that blending the disparate results includes ranking the results by the weight of the occurrence of the search term, displaying the ranked results by a category associated with the resource, and displaying the locations in which the search terms occurred in comparable positions within each category (See Figure 1 and paragraph 0023, 0025, 0071).

Regarding Claim 4, Li discloses that the method further comprising:

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- capturing a context of the search request (See abstract, paragraphs 0025-0029, 0049); and
- wherein determining at least one relevant resource is based on the context of the search request (See abstract, paragraphs 0021-0026, 0031-0034, 0044, 0053, 0054, 0059).

Regarding Claim 5, Li discloses that obtaining an automated measurement of relevance for each of the plurality of disparate resources; wherein determining the at least one relevant resource is based on the automated measurement of relevance (See abstract, paragraphs 0021-0026, 0031-0034, 0044, 0053, 0054, 0059).

Regarding Claim 6, Li discloses that the automated measurement of relevance is a metric that quantifies a user interaction with the resource (See abstract, paragraphs 0021-0026, 0031-0034, 0044, 0053, 0054, 0059).

Regarding Claim 7, Li discloses that the quantified user interaction includes at least one of a frequency with which a user accesses the resource, a length of time that the user accesses the resource, and a significance of an action that the user performs on the resource (See paragraphs 0025, 0031, 0046).

Regarding Claim 8, Li discloses the method further comprising:

- obtaining a user preference indicating a preferred resource in which to search (See paragraphs 0005, 0021, 0023, 0048, 0057, 0068, 0069, 0074);

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- wherein determining the at least one relevant resource is based on the preferred resource as indicated in the user preference (See paragraphs 0005, 0021-0023, 0048, 0057, 0068, 0069, 0074).

Regarding Claim 9, Li discloses the method further comprising:

- inherently building an index for the disparate resources (index is an inherent feature for tagging or heading a resource file); and
- inherently searching the index (index is an inherent feature for tagging or heading a resource file) associated with the relevant resource when searching for occurrences of the search term (See Abstract and paragraph 0025).

Regarding Claim 20, Li discloses a computer-accessible medium having instructions for conducting a unified search for electronic content, the instructions comprising:

- displaying a unified search entry interface in response to a request to search for content (Abstract, paragraphs 0021, 0023, 0066);
- determining at least one relevant resource from a plurality of disparate resources in which to search for occurrences of a Search term entered in the unified search entry interface (See paragraphs 0025-028 and Figure 7);
- normalizing the relevant disparate resource (See paragraph 0023); and

- blending disparate results obtained from searching for occurrences of the search term in the normalized relevant disparate resources (See Abstract).

Regarding Claim 21, Li discloses that the instruction to normalize the relevant disparate resource comprises:

- determining a relative importance of the search term occurring in one location in a first disparate resource versus the search term occurring in another location in a second disparate resource (See paragraphs 0021, 0061); and
- weighing the occurrence of the search term in the resource in accordance with the relative importance (See paragraph 0023).

Regarding Claim 22, Li discloses that the instruction to blend the disparate results includes instructions to rank the results by the weight of the occurrence of the search term, display the ranked results by a category associated with the resource, and display the locations in which the search terms occurred in comparable positions within each category (See Figure 1 and paragraph 0023, 0025, 0071).

Regarding Claim 23, Li discloses that the instructions further comprise:

- capturing a context of the search request (See abstract, paragraphs 0025-0029, 0049) and
- determining the at least one relevant resource based on the context of the search request (See abstract, paragraphs 0021-0026, 0031-0034, 0044, 0053, 0054, 0059).

Regarding Claim 24, Li discloses that the instructions further comprise obtaining an automated measurement of relevance for each of the plurality of disparate resources; and determining the at least one relevant resource based on the automated measurement of relevance. (See abstract, paragraphs 0021-0026, 0031-0034, 0044, 0053, 0054, 0059).

Regarding Claim 25, Li discloses that the automated measurement of relevance is a number that represents a user interaction with the resource, wherein the user interaction includes at least one of a frequency with which a user accesses the resource, a length of time that the user accessed the resource, and a significance of an action that the user performed on the resource, and the resource is more relevant to the search when the automated relevance number is high, and less relevant when the automated relevance number is low (See abstract, paragraphs 0021-0026, 0031-0034, 0044, 0046, 0053, 0054, 0059).

Regarding Claim 26, Li discloses that the instructions further comprise:

- obtaining a user preference indicating a preferred resource in which to search (See paragraphs 0005, 0021, 0023, 0048, 0057, 0068, 0069, 0074); and
- determining the at least one relevant resource based on the preferred resource, as indicated in the user preference (See paragraphs 0005, 0021-0023, 0048, 0057, 0068, 0069, 0074).

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Slackman (US 2004/0267717) discloses a rank-based estimate of relevance values.

### Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wilson Lee  
Primary Examiner  
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12/11/06